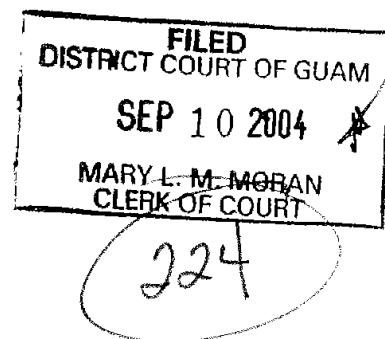


CARLSMITH BALL LLP

DAVID LEDGER  
ELYZE MCDONALD  
Bank of Hawaii Bldg., Suite 401  
134 West Soledad Avenue, P.O. Box BF  
Hagåtña, Guam 96932-5027  
Tel No. 671.472.6813

Attorneys for Defendants  
Continental Micronesia, Inc. dba  
Continental Micronesia and  
Continental Airlines, Inc.



IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba  
CONTINENTAL MICRONESIA and  
CONTINENTAL AIRLINES, INC.,

Defendants.

CIVIL CASE NO. CV02-00032

**DECLARATION OF DAVID LEDGER  
IN SUPPORT OF BILL OF COSTS**

I, David Ledger, declare:

1. I am an attorney at law licensed to practice before the Courts of the Territory of Guam and before this Court. I am a partner with the law firm of Carlsmith Ball LLP, attorneys of record for Defendant Continental Micronesia, Inc.
2. If called as a witness, I would and could competently testify thereto to all facts within my personal knowledge except where stated upon information and belief.
3. On August 30, 2004, the Court granted Defendant's Motion for Summary Judgment, denied Plaintiff's Motion for Partial Summary Judgment, and awarded Defendant its costs.

4. This Declaration itemizes each category of cost requested to be taxed by the Clerk of Court.

5. **Electronic Research.** Defendant incurred \$188.91 in electronic research, as detailed below. Costs for electronic research are taxable pursuant to Federal Rule of Civil Procedure 54(d). See also Independence Tube Corp. v. Copperweld Corp., 543 F. Supp. 706, 723 (N.D. Ill. 1982).

Date	Description	Amount
7/16/2003	Westlaw	\$42.03
7/21/2003	Westlaw	\$121.05
9/19/2003	Westlaw	\$19.39
	Payment to Third Party	
2/27/2004	(PACER)	\$6.44
Total		\$188.91

6. **Postage Charges.** Defendant incurred \$109.37 in postage charges, as detailed below. Postage charges in this case were necessarily incurred because Plaintiff was pro se and did not have a place of business whereby Defendant could regularly serve him with documents. Costs for postage charges are taxable pursuant to Federal Rule of Civil Procedure 54(d). See also Bresgal v. Brock, 637 F. Supp. 278 (D. Or. 1985).

Date	Description	Amount
3/28/2003	Postage	\$0.60
3/28/2003	Postage	\$4.65
5/16/2003	Postage	\$4.65
6/13/2003	Postage	\$3.13
6/13/2003	Postage	\$3.13
6/3/2003	Postage	\$0.37
7/28/2003	Postage	\$0.37
8/1/2003	Postage	\$4.42
7/31/2003	Postage	\$5.57
10/14/2003	Postage	\$4.42
10/3/2003	Postage	\$5.80
10/17/2003	Postage	\$4.88
10/14/2003	Postage	\$4.42
10/31/2003	Postage	\$4.42
11/21/2003	Postage	\$3.65
12/9/2003	Postage	\$4.88

12/15/2003	Postage	\$0.37
1/21/2004	Postage	\$0.37
1/21/2004	Postage	\$5.11
1/29/2004	Postage	\$0.37
2/5/2004	Postage	\$4.65
2/6/2004	Postage	\$4.42
2/12/2004	Postage	\$5.57
2/17/2004	Postage	\$5.34
2/17/2004	Postage	\$4.42
2/18/2004	Postage	\$4.42
2/19/2004	Postage	\$0.37
2/25/2004	Postage	\$0.37
3/4/2004	Postage	\$4.65
3/5/2004	Postage	\$4.42
3/5/2004	Postage	\$0.37
3/9/2004	Postage	\$0.37
3/18/2004	Postage	\$4.42
Total		<u>\$109.37</u>

7. **Service Fees.** Defendant incurred \$90.00 in service fees, as detailed below. Costs for service fees are taxable pursuant to Local Rule 54.1(b)(2).

Date	Description	Amount
	Process Service Fee for Deposition of Juan	
10/13/2003	Rapadas-Mike Gallo	\$45.00
	Process Service Fee for Deposition of Alex	
10/13/2003	Chinet-Mike Gallo	<u>\$45.00</u>
Total		\$90.00

8. **Printing Fees.** Defendant incurred \$98.60 in printing fees, as detailed below. Printing fees are taxable pursuant to 28 U.S.C. § 1920(3).

Date	Description	Amount
4/30/2003	Disagreement of Scheduling Order	\$13.90
5/16/2003	Response to Plaintiff's "Pleading to Defendant Counsel of Proper Service to Unrepresented Party"	\$1.40
6/3/2003	Answer to Second Amended Complaint	\$6.10
12/24/2003	Motion to Strike	\$5.20
1/16/2004	Motion to Strike	\$3.00
1/27/2004	Response to Request for Issuance of Order	\$3.40
2/5/2004	Reply in Support of Motion to Strike	\$4.40
2/11/2004	Motion for Sanctions	\$37.00
3/4/2004	Reply in Support of Motion for Sanctions	\$19.80
7/29/2004	Opposition to Plaintiff's Motion for Sanctions	<u>\$4.40</u>
Total		\$98.60

9. **Copies for Documents Necessarily Obtained for Use in Case.**

Defendant incurred \$188.50 for copies for documents necessarily obtained for use in this case.

Such costs are taxable pursuant to 28 U.S.C. § 1920(4) and Local Rule 54.1(10). See also United Intern. Holdings, Inc. v. Wharf (Holding) Ltd., 174 F.R.D. 479, 484 (D. Colo. 1997) (costs for exhibits attached to motion for summary judgment are taxable if party seeking costs prevails).


Date	Description	Amount
9/26/2003	EEOC file, Honolulu, Hawaii	\$20.10
10/6/2003	Plaintiff's Civil Case File at Superior Court of Guam	\$29.50
10/9/2003	Plaintiff's Civil Case File at Superior Court of Guam	\$38.50
11/21/2003	Motion for Summary Judgment and attached exhibits	\$53.50
11/26/2003	Opposition to Motion for Summary Judgment and attached exhibits	\$34.10
12/5/2003	Reply Memorandum in Support of Motion for Summary Judgment and attached exhibits	\$12.80
Total		<hr/> \$188.50

10. **Docket Fees Under 28 U.S.C. § 1923.** Pursuant to U.S.C. §§ 1920 and 1923, Defendant is entitled to attorneys fees as costs in the amount of \$20. See Berryman v. Epp, 884 F. Supp. 242, 244-45 (E.D. Mich. 1995) (summary judgment is a "final hearing" under 28 U.S.C. § 1923(a)).

11. I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

DATED: Hagåtña, Guam, September 10, 2004.

CARLSMITH BALL LLP

  
\_\_\_\_\_  
DAVID LEDGER  
ELYZE MCDONALD  
Attorneys for Defendant  
Continental Micronesia, Inc.